

District of Texas, and to appoint a person qualified by law to act as District Attorney for the Seventieth Judicial District of Texas, which said appointees may hold their said respective offices until the next general election in this State, their successors to be elected as now provided by law.

Sec. 5. The said Seventieth Judicial District and the One Hundred and Ninth Judicial District as herein constituted shall each respectively elect a District Attorney at the next general election, and each two years thereafter.

Sec. 6. All process and writs issued out of, and bond and recognizances entered into, and all grand and petit jurors drawn before this act takes effect, shall be valid for and returnable to the next succeeding term of the district court in and for the several counties, as herein fixed, as though issued and served for such terms, and returnable to and drawn for the same, and all such process, writs, bonds and recognizances taken before or issued by the various counties affected by this act, shall be as valid as though no change had been made in the District Courts herein in the time of the holding the court herein.

Sec. 7. It is further provided that if any court in any county of said Seventieth Judicial District as same existed prior to the passage of this act, shall be in session at the time this act takes effect, such court or courts affected thereby, shall continue in session until the term thereof shall expire under the provision of existing laws, but thereafter the court in such county or counties shall conform to the term of this act.

Sec. 8. All laws and parts of laws in conflict hereto are hereby repealed.

Sec. 9. The rapid settlement of all of the counties composing the present Seventieth Judicial District of Texas, and the great increase in litigation in said counties, the crowded condition of the dockets of the district courts in the counties affected by this act, and the fact that the terms of court now provided for by law for the different counties covered by this act, are so short as not to permit the trial of the cases on said docket, and because of the

great delay in the administration of justice creates an imperative public necessity and an emergency that requires that the constitutional rule requiring bills to be read on three several days before passage, to be suspended and this act shall take effect and is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 11, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Willaimson
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cunningham. Russek.
Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 90, A bill to be entitled "An Act authorizing certain incorporated cities to acquire and maintain recreational parks and play-

grounds outside of the city limits; limiting the amounts of land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public; providing for the closing of roads running through any such grounds or parks; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Holbrook:

S. B. No. 91, A bill to be entitled "An Act making better provision for public parks and playgrounds for incorporated cities and towns and counties; making provision for same when such city or town may own playgrounds or park land outside its limits; providing for such city or town acquiring county owned land for such purpose; providing for co-operation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Thomason:

S. B. No. 92, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposits; and further providing that any banking corporation, association or individual banker, selected

as a county depository may in lieu of the execution of a bond, pledge and deposit with the commissioners' court, United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, and of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds; and providing further for the increase or the reduction of the securities so pledged or for substitution of such securities; and further providing for venue of suits or bonds, and for penalty for depositing or receiving deposits where sufficient security has not been pledged; and which amendment to said Article 2547 (2443) being Chapter 129 of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, providing for the execution of bonds for securing county deposits; providing who may make such bonds, the manner in which such deposits shall be secured, the amount of such bonds, and providing that any banking corporation, association or individual banker selected as county depository may in lieu of the execution of a bond, pledge and deposit with the commissioners' court, United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, or of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds; and providing for the increase or reduction of the securities so pledged, or for substitution of such securities, and providing for venue of suits on bonds; and further providing for the filing of financial statements by sureties on personal bonds, and the investigation of the solvency of sureties and surety companies, as well as of the value of securities pledged in lieu of personal bonds for the making of a new bond or bonds as deemed necessary, and to repeal all laws and parts of laws, either civil or penal, in conflict herewith, including that part of said Article 2547 (2443) being Chapter 129 of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, in and by which a penalty is imposed on persons depositing

with or paying into any depository, or accepting any such deposit or payments without first having ascertained that such county depository has pledged and in the hands of the commissioners' court for the purpose of securing such county funds, the required amount of the securities of the kind permitted by law; the said penal part of said article being carried as Article 425A of the Penal Code, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 93, A bill to be entitled "An Act to amend Article 2889A, Revised Statutes 1925, relating to certification of teachers in the public free school; repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Pollard:

S. B. No. 94, A bill to be entitled "An Act to appropriate the sum of two hundred thousand (\$200,000.00) dollars, or so much thereof as may be necessary to purchase the tract of land consisting of 26 acres, more or less, in Travis County, Texas, adjoining the present campus of the University of Texas, known as the Cavanaugh property, and being remainder of the designated campus of the University of Texas, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator McFarlane:

S. B. No. 95, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas, now owned by the Permanent School Fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and pay expense of lithographing bonds; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane:

S. B. No. 96, A bill to be entitled "An Act repealing Articles 4027, 4036, 4037, 4039, 4040, 4041 of the Revised Civil Statutes of 1925, and amending Article 4035 of the Revised Civil Statutes of 1925 and Ar-

ticle 960 of the Penal Code of the State of Texas; providing for the lease of oyster reefs or bottoms of the public waters of the State of Texas to citizens of the United States or domestic corporations for the purpose of cultivating oysters; providing for the form of application of the survey of areas sought to be leased; providing for the payment of the cost of such survey; providing for priority of applications; providing that the Game, Fish and Oyster Commissioner may grant or refuse any lease; providing for rentals and the amounts thereof; providing for the forfeiture of leases for non-payment of the rentals; providing for the sale of forfeited leases to the highest bidder, limiting the acreage to be leased to any one applicant; providing that not less than one-half of the natural reefs of each and every bay shall be reserved for the use of the general public, and shall not be leased under the terms of this Act; providing the term of leases and renewal of leases; providing that all leases under the terms of this Act shall be heritable, and all such leases, buildings, and improvements erected upon property leased under the terms of this Act shall be subject to mortgage, hypothecation, and sale for debt; providing for recording transfers of leases in the offices of Game, Fish and Oyster Commissioner; providing for marking geographical limits of property leased under the terms of this Act; providing a penalty for failure properly to mark such geographical limits of property leased under the terms of this Act; providing a penalty for failure properly to mark such geographical limit; providing that navigation shall not be obstructed by such marking; providing for the cultivation by the tenant yearly of at least one-tenth (1/10th) of the leased area; providing that shells shall be reserved for such cultivation and planting; providing that the planting and cultivation shall be attested by certificate to be filed with the Game, Fish and Oyster Commissioner; providing all things necessary and incidental to the main subject and purpose of this Act whether mentioned in detail in this caption or not; declaring a rule of construction in the event any part of provision of this Act should be held unconstitutional or invalid for

any reason, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane:

S. B. No. 97, A bill to be entitled "An Act to amend Article 2223 of Chapter 9, Title 42, of the Texas Revised Civil Statutes of 1925, providing for rendition of judgments against a partnership, and also against the members thereof, and the issuance of execution in such cases, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hyer:

S. B. No. 98, A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

Read first time and referred to Committee on Educational Affairs.

By Senator Hyer:

S. B. No. 99, A bill to be entitled "An Act relating to courses of instruction in Constitution of United States in schools, colleges, universities, and other educational institutions of the State of Texas."

Read first time and referred to Committee on Educational Affairs.

By Senator Hyer:

S. B. No. 100, A bill to be entitled "An Act authorizing and empowering the Railroad Commission of Texas to require railroads to construct, maintain, and operate their lines, plants, systems, equipments, apparatus, tracks, and premises in such a manner as to promote and safeguard the health and safety of their employees."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 101, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to employ additional clerks from February 1, 1929, until September 1, 1929, and making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 102, A bill to be entitled "An Act relating to the practice of barbering: providing who shall prac-

tice barbering and who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act; the standard of education and the qualifications for certificates of registration as a registered barber and as a registered assistant barber; providing for the examination of applicants by a board for a certificate of registration; providing the age, character, and habits of each person to whom a certificate may be issued as a practicing barber and as an assistant barber; providing for the issuance of a certificate of registration to a barber and an assistant barber from other states; providing that persons, who for two years immediately preceding the taking effect of this Act, have been continuously engaged in the practice of barbering and possessing the necessary qualifications may be granted a certificate of registration without examination upon paying the required fees; providing that an assistant barber who has been practicing as such under the supervision of a practicing barber on and prior to the first day of September, 1929, by making application to the Board and paying the required fee shall be given credit for the time previously spent in such practice; providing for the renewal and restoration of certificates of registered barbers and registered assistant barbers; and fixing fees therefor; providing for the refusal and revocation of certificates by the Board, and for hearings thereon; and defining the barber business, prescribing the work and conditions of sanitation, and other conditions under which the work and business is to be conducted; providing for the payment of fees for examination; prohibiting certain acts and things enumerated in the Act and as set forth herein; and providing a penalty for the violation thereof; providing that wilful making of false statement in any material matter in any oath or affidavit required by the provisions of this Act shall be pun-

ishable as false swearing under the Laws of this State; providing for the creation of a Board of Barber Examiners, consisting of three members to be appointed by the Governor, and providing for their qualification and appointment and term of office and for their removal by the Governor for causes numerated in the Act; providing for the organization of said Board by the election of a president and secretary, and prescribing the duties to be performed by each in accordance with the provisions of this Act, and the bond to be given by the secretary for the faithful performance of his duties; the compensation each member of the Board is to receive, and providing for the payment of the necessary traveling expenses incurred by the members of said Board of Examiners in the discharge of their duties, all salaries and fees to be paid from the fund created by fees collected by said Board in the administration of this Act; designating the State Treasurer Custodian of all funds; providing the Board shall have authority to employ such inspectors, clerks, and assistants as deemed necessary to carry out the provisions of this Act upon approval of the Comptroller and the salary of such clerk's assistants, stenographers, and other help to be fixed by the Board upon approval of the Comptroller, and providing for traveling expenses; providing the Board shall have authority to make rules and regulations for the administration of this Act, prescribing sanitary requirements for barber shops and barber schools subject to the approval of the State Board of Health; and providing that the Board, or its agents or assistants shall have authority to inspect any barber shop or barber school at any time during business hours; providing a copy of the rules and regulations adopted by the Board and State Board of Health shall be furnished the owner or manager of each barber shop and barber school, and shall be posted in a conspicuous place in said shop or school; providing the Board shall keep a record in its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration which shall be open to the inspection of the public at reasonable times, and

shall make and prepare an annual report to the Comptroller and such information in regard to same as he may require; and providing a method of paying salaries and expenses in order to carry on the work of the Barber Board Examiners, and appropriating funds credited to the 'State Board of Barber Examiners Fund,' for the fiscal years ending August 31, 1930, and August 31, 1931; and providing that, should any part or portion of this Act be declared unconstitutional by a court of last resort in this State, it shall not affect the remainder of the Act; providing that this Act shall become effective and be in force on and after the first day of July, A. D. 1929."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 103, A bill to be entitled "An Act to amend Article 5420, Chapter 7, Title 86, of the Revised Civil Statutes of Texas, 1925, by providing that the venue of all suits instituted by the Attorney General for the recovery of any public lands for and on behalf of the State as against any defendant in actual possession of such land claiming the same under grant or sale from the State and claiming the land in controversy to be within the boundaries of the grant or within the field notes of the land sold and the issue of boundary is the principal issue in the case shall be in the county where the land or some part thereof is situated, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 104, A bill to be entitled "An Act to amend Article 5341, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, by providing that the Commissioner of the General Land Office after the filing of any application by anyone desiring to obtain the right to prospect for and develop oil and natural gas that may be in any surveyed or unsurveyed areas as provided in Articles 5339 and 5340, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, shall first make such examination as he shall deem necessary to determine whether or

not the area applied for falls within the provisions of this law, and secondly, if he shall determine that such area is subject to the provisions of this law, he shall make the further investigation to determine whether or not any person, association or corporation is in the actual possession of such area, or any part thereof, claiming same in good faith under a grant or sale from the State, and if he shall determine that any such person, association or corporation is so in possession thereof, then such person, association or corporation shall have prior right for ninety days after written notice by the Commissioner of the General Land Office of the application, within which to make application for permit, said application to be in accordance with the provisions of Article 5339 and 5340 of the Revised Civil Statutes of Texas, 1925; and further providing that if such person, association or corporation so in possession as aforesaid, shall make such application and file with the application the filing fee of one dollar and ten cents per acre for each acre applied for, which ten cents per acre shall be paid annually thereafter during the life of the permit, that then the Commissioner shall issue permit to such person, association or corporation so in possession, and return to the original applicant his filing fee and the ten cents per acre deposited by him; and further providing in connection therewith that where the area applied for is covered by or included within any river bed or channel or fresh water lake that then the party in possession shall have a prior right as to such area only in such cases where he claims under a patent or purchase from the State, the field notes of which actually include the area sought to be purchased by him; and further providing that in the event any person, association or corporation having prior right under the foregoing provisions who shall fail to make such application and payments within ninety days after the receipt of the notice aforesaid, shall forfeit such prior right and the Commissioner of the General Land Office, shall, in that event, grant a permit to the original applicant; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Woodul:

S. B. No. 105, A bill to be entitled "An Act to amend Article 4552 of Chapter 10, Title 71, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 106, A bill to be entitled "An Act to amend Article 1898 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 107, A bill to be entitled "An Act to amend Article 1935 of Chapter 2, Title 41 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 108, A bill to be entitled "An Act to amend Article 1894 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 109, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation thereof, forbidding driving by persons without licenses, providing penalties, providing for fees to be paid, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Wirtz, Witt and Holbrook:

S. B. No. 110, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, and providing that nothing in

this Act shall be held to repeal or amend any General Law of the State, other than Article 1302 pertaining to the creation of corporations and powers, duties and limitations thereof or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the General Laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences and providing that all corporations created under this Act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that all amendments to such charters shall be recorded in like manner, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 111, A bill to be entitled "An Act providing that liens for street improvements created by written contract of the owner or owners of land, or any interest therein, shall be superior liens upon such improvements and providing for the enforcement thereof, providing incidental matter, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Wirtz, Witt and Holbrook:

S. B. No. 112, A bill to be entitled "An Act to amend Article 2547 of Chapter 2, Title 47 of the Revised Civil Statutes of the State of Texas, relating to the collateral security to be pledged by depositories for securing county funds, by depositing with the commissioners' court a depository bond, or by pledging with the commissioners' court bonds and certificates of indebtedness of the United States, bonds of the State of Texas,

obligations, and pledges of the University of Texas, bonds of any county, city, town, independent school district, or bonds issued under the Federal Farm Loan Act or road district bonds, and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senators Wirtz, Witt and Holbrook:

S. B. No. 113, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672, and 2673 of Chapter 10, Title 49 of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas, and of the common school districts of said State, and the bonds of any incorporated city or town, and the bonds of road precincts of any county of the State of Texas, and the bonds of any drainage, irrigation, navigation and levee districts of any county or counties of Texas, and the obligations and pledges of the University of Texas."

Read first time and referred to Committee on Banking.

By Senators Wirtz, Witt and Holbrook:

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senators Wirtz, Witt and Holbrook:

S. B. No. 115, A bill to be entitled "An Act to exempt from taxation all obligations and pledges of the University of Texas."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 116, A bill to be entitled "An Act providing a means of serving civil process upon non-residents of this State in any civil action or proceeding against such non-residents growing out of any accident or collision in which said non-residents may be involved while operating a motor vehicle or motorcycle on any public highway or public street in this State; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices to the United States Veterans' Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veterans' Bureau and providing for collection of fees therefor, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 118, A bill to be entitled "An Act amending Article 4233, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of guardians without notice when notices or other process of court cannot be served upon them on account of their whereabouts being unknown, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 119, A bill to be entitled "An Act amending Article 4143, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision whereby the county judge may authorize the

payment of bond premiums out of the estate of the ward, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 120, A bill to be entitled "An Act amending Article 4234, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian and when he becomes of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years, and when, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 121, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge to decrease the amount of a guardian's bond whenever in his opinion a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 124, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require corporate sureties on guardians' bonds in certain cases, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 125, A bill to be entitled "An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission of whatever nature to hold hearings and investigations and make a record thereof for the use and benefit of the Railroad Commission the same as if the entire Commission were present, and granting to such Commissioner or designated employee power to administer oaths, certify to official acts, compel the attendance of witnesses and the production of papers, waybills, books accounts, and punish for contempt, providing for the introduction and consideration of said testimony by the Commission, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 126, A bill to be entitled "An Act further regulating the prac-

tice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the Secretary-Treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Secretary-Treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that a fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which said fund may be expended, and conferring certain powers and duties upon the Texas State Board of Medical Examiners; conferring certain powers and imposing certain duties upon the Secretary-Treasurer of the Texas State Board of Medical Examiners, and prescribing his salary for

the performance of the duties imposed upon him by this Act; and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Moore:

S. B. No. 127, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners and for the appointment of members of said Board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas as codified in 1925, so as to provide that it shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within this State who has not registered in the district clerk's office of every county in which he may reside and in every county in which he may sojourn, and in each and every county in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, his certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated and date of graduation, all subscribed and verified by oath, which, if wilfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law; and so as to provide that the holder of every certificate must have the same recorded upon each change of residence and in every county in which he may sojourn, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients, and providing that the absence of such record in any place where such record is required by this Act shall be prima facie evidence of the want of possession of such certificate; amending Article 4500, Revised Civil Statutes of 1925, so as to define the terms and conditions upon which the Texas State Board of Medical Examiners, in its discretion, may grant licenses to practice medicine to phy-

sicians who are graduates of a reputable medical college, as defined in Article 4501, Revised Statutes, and who have qualified on examination for a commission in the medical corps of the United States Army or Navy, or who are licentiates of other states or territories, having requirements for medical registration and practice, equal to those established by Texas law, and providing that the Texas State Board of Medical Examiners shall have the power to determine the sufficiency of the evidence of qualification submitted by such applicant, and shall be vested with discretion to reject any application if, in its opinion, the applicant is not qualified to receive a license to practice medicine within the State of Texas; amending Article 4501, Revised Statutes of 1925, so as to provide that applicants to practice obstetrics in the State of Texas, upon proper application, shall be examined by the Texas State Board of Medical Examiners in obstetrics only, provided that this shall not apply to those who do not follow obstetrics as a profession and do not advertise themselves as obstetricians or midwives, or hold themselves out to the public as so practicing, and do not charge or accept compensation for their services; amending Article 4504, Revised Civil Statutes of 1925, and Article 740 of the Penal Code of Texas as codified in 1925, so as to provide that nothing in the law regulating the practice of medicine shall apply to masseurs in their particular sphere of labor, who publicly represent themselves as such and who do not claim or attempt to diagnose, treat or cure diseases; amending Article 4508, Revised Civil Statutes of 1925, by prescribing certain duties to be performed by the Attorney General in the enforcement of the laws of this State, relating to the unlawful practice of medicine; providing that nothing in this Act shall affect in any way prosecution for the unlawful practice of medicine, pending at the time this Act takes effect, or the procedure in any such case; nor shall this Act have the effect of relieving any person from liability, criminal or civil, incurred by reason of the unlawful practice of medicine at any time prior to the passage of this Act; and providing that if, after the passage of this Act, any person shall

be prosecuted for the unlawful practice of medicine, occurring before the Act became effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed; and further providing that this Act is intended to amend certain designated articles of the Revised Civil Statutes of 1925, and certain designated articles of the Penal Code of 1925, and providing that the articles thus amended shall be construed in connection with the other articles constituting a part of the same chapters of the Revised Civil Statutes and Penal Code in which the articles of the same number now appear; and providing that, if any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law; and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Greer:

S. B. No. 128. A bill to be entitled "An Act relating to the duties of the County Board of Trustees of public schools in this State, in all counties having an area of not more than one thousand-seventy-five (1075) square miles and not less than nine hundred-thirty (930) square miles, and a population of not less than thirty-four thousand three hundred, (34,300) and not more than thirty-four thousand five hundred, (34,500) according to the 1920 Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of Independent and Common School Districts, create additional districts, consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the County Board of

School Trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Westbrook and Wirtz:

S. B. No. 129. A bill to be entitled "An Act regulating public utilities; providing that they shall charge just and reasonable rates and furnish adequate, efficient, and reasonable service; that they shall file with the commission their schedules, adhere to same, show no discrimination and make no change in rates without notice to the Commission; that the Commission shall fix rates under certain conditions; providing for the joint use of certain telephone and telegraph facilities, the establishment of reasonable and adequate service and standards of service, for valuation and revaluation of properties; establishing a system of accounts and requiring reports; providing that the commission may make investigations and enter on the premises of utilities when necessary; providing for certificates of indeterminate permits, future grants, purchase by municipality, manner of acquisition, determination of compensation, reinstatement of franchise; providing for hearings; providing that the commission may employ examiner, experts, engineers, statisticians, accountants, inspectors, clerks and employees; and that the Railroad Commission shall administer, carry out and enforce the provisions of this act."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 130. A bill to be entitled "An Act providing for nine members of the Board of Regents of the State Teachers Colleges instead of six members; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Love:

S. B. No. 131. A bill to be entitled "An Act the better to secure persons accused of crime by defining the offenses of "Escape", "Attempt to

Escape," and "Jumping Bail," and fixing the penalties therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hornsby:

S. B. No. 132. A bill to be entitled "An Act to prevent fraud in the purchase of gasoline and oil and to assure correct measurement and declaring the retail sale of gasoline and oil to be affected with a public interest; providing for the licensing of operators of pumps or devices for the measurement of gasoline and oil and providing for the issue of such licenses; prescribing a fee to be paid for such licenses and specifying the distribution of said fees; providing the term and form of such licenses and the liability of those to whom such licenses are issued; making it unlawful for any person to engage in the measuring or dispensing of gasoline or oil to the public without first securing such license; prescribing when Act shall become effective; providing for the cancellation of license for violation of the provisions of this Act; defining offenses; prescribing penalties; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Greer, Senator Cunningham was excused for today and indefinitely on account of sickness in his family.

On motion of Senator Wirtz, Senator Russek was excused for today on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for yesterday and today on account of important business.

Executive Session Announced.

On motion of Senator Williamson, the Senate voted to go into executive session Tuesday, January 15, at 11 o'clock a. m., for the purpose of considering nominations by the Governor.

Simple Resolution No. 21.

Senator Woodward sent up the following resolution which was read and adopted:

Be it Resolved by the Senate, That A. W. Holt, Sergeant-at-Arms

of the Senate, be allowed pay for the time spent in preparing the Senate Chamber and rooms, and procuring supplies for the opening of the Forty-first Legislature; same being January 2 to 7 inclusive.

Simple Resolution No. 22.

Senator Woodward sent up the following resolution which was read and adopted:

Be it Resolved by the Senate that senate porters be paid for pre session work as follows: Buck Green, 4 days; Charles Jackson, 4 days; Tom Burton, 2 days; Sam Grant, 1 day; Fred Rambeau, 1 day.

Simple Resolution No. 23.

Senator Neal sent up the following resolution:

Inasmuch as Senator W. E. Thomason of Nacogdoches and Senator W. D. McFarlane of Graham are greatly interested in education and are enthusiastically supporting every movement that tends toward educational progress in this Senate, I move that they be added to the Committee on Educational Affairs.

The resolution was read and adopted by the following vote:

Yeas—16

Beck.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Westbrook.
Love.	Witt.
Moore.	Woodul
Neal.	Woodward.

Nays—3

Berkeley.	Hyer.
Hornsby.	

Present—Not Voting.

Wirtz.

Absent.

Hardin.	Parrish.
Martin.	Thomason.
McFarlane.	Williamson.
Miller.	

Absent—Excused.

Cunningham.	Russek.
Parr.	

Senate Joint Resolution No. 6.

Senator McFarlane sent up the following resolution:

Proposing an Amendment to Section 24 of Article 3 of the Constitu-

tion of the State of Texas, increasing the maximum compensation that may be paid to members of the Legislature to Ten Dollars per day for the first ninety days of each session and after that not exceeding Five Dollars for the remainder of the session; providing for an election upon such proposed constitutional amendment and making an appropriation therefor.

Read first time and referred to Committee on Constitutional Amendments.

Simple Resolution No. 24.

Senator Stevenson sent up the following resolution:

Resolved, That Senator McFarlane be added to the Committee on Mining, Irrigation and Drainage.

The resolution was read.

Senator Wirtz sent up the following amendment:

"Amend the resolution by adding the names of Russek and Holbrook."

WIRTZ

The Amendment was read and adopted.

The resolution was defeated by the following vote:

Yeas—12.

Berkeley.	Neal.
Greer.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Nays—10.

Beck.	Pollard.
DeBerry.	Small.
Hardin.	Westbrook.
Moore.	Wirtz.
Parrish.	Woodward.

Present—Not Voting.

Holbrook.

Absent.

Gainer.	Miller.
Hornsby.	Patton.

Absent—Excused.

Cunningham.	Russek.
Parr.	

(Two-thirds vote required.)

Senate Joint Resolution No. 7.

Senator Wirtz sent up the following resolution:

Proposing an amendment to the State Constitution providing that the

Permanent University Fund shall be invested in bonds of the United States, the State of Texas or counties of said State, or in school bonds of municipalities or in bonds of any city of this State having a population of 10,000 or more according to the latest United States census, or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments thereto.

Read first time and referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 4.

Senator Moore sent up the following resolution:

Providing for the investigation of the General Land Office of the State of Texas, and the administration thereof by a joint committee of the Senate and House of Representatives of the State of Texas, appointed therefor and defining the powers and duties of said committee, and making appropriation from the mileage and per diem and contingent fund for the payment of the expenses of said committee.

Whereas, Large tracts of land in the western part of this State are owned by the Permanent University fund, the same having been set aside for the benefit of the University with a view that such land should yield the greatest possible amount for the support and maintenance of the University; and

Whereas, The State owns other large tracts of land; and

Whereas, Oil has been discovered recently on and adjacent to such land, making the same very valuable; and

Whereas, The present statutes providing for the sale of such lands are wholly inadequate to secure to the State and to the University a fair return under present circumstances and conditions; and

Whereas, The Commissioner of the General Land Office advertised for sale certain of said University lands and set the date of sale just a few days before the convening of the Forty-first Legislature and after the same was brought to his attention he failed to postpone the sale in order that the Legislature might determine the policy of the State in the sale of said lands in the light of

present conditions, although the Attorney General recently ruled that the Land Commissioner had the discretion of postponing the date of said sale until a later date in the month of January; and

Whereas, It is necessary that the Legislature have all the facts in connection with the transactions that have occurred in reference to said land sales; and

Whereas, In the light of all that has transpired it is necessary in the interest of the public welfare that an investigation be made into all matters pertaining to the public lands of this State; now therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring:

Section 1. That a committee of five members of the House of Representatives and Senate be appointed, three members thereof to be appointed, from the House by the Speaker of the House of Representatives and two members thereof from the Senate to be appointed by the President of the Senate, whose duty it shall be to conduct an investigation into the affairs of the General Land Office of this State, and the administration thereof; to investigate all matters, patents, leases, and sales of the public domain of this State, heretofore made or attempted to be made, pertaining to said General Land Office, and generally to investigate each and every act of the Commissioner of the General Land Office, and to investigate all matters pertaining to said office as may in the judgment of said committee be necessary and proper for the promotion of the public welfare.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; Said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee, shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The Chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its Sergeant-at-Arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the Sergeant-at-Arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records, or files of the General Land Office, or the Commissioner thereof, or any employee or appointee under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with the General Land Office, the Commissioner thereof, or any employee or appointee of said office. The Committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's Department for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the Chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-first Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid

out of the appropriation for mileage and per diem and contingent expenses of the regular session of the Forty-first Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said regular session of the Forty-first Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read.

Senator Hyer offered the following amendment to the resolution:

"The Highway Department and the Board of Control shall be included in this resolution and investigation."

On motion of Senator Moore, the amendment was tabled.

Senator Martin moved that further consideration of the resolution be postponed until after the morning call Monday, January 14.

The motion carried.

Simple Resolution No. 25.

Senator McFarlane sent up the following resolution:

Whereas, It has been called to our attention that Mrs. Florence Burke, Post Mistress of the Senate during the last several sessions, is in need of employment, and proved to be very efficient in the discharge of her duties as Post Mistress, and

Whereas, There is need of additional employment in the engrossing room; therefore, be it

Resolved by the Senate of Texas that she be employed at \$5.00 per day in the engrossing room.

On motion of Senator Greer, the resolution was referred to the Committee on Engrossed Bills.

Simple Resolution No. 26.

Senator McFarlane sent up the following resolution:

Whereas, It has been called to our attention that the Senate does not have a Committee on Game, Fish and Oyster legislation, and

Whereas, There has been a special

committee in the House of Representatives on this subject for many years, and that there should be a committee on this subject in the Senate; therefore, be it

Resolved, That a Committee on Game, Fish and Oysters be created in the Senate, to be known as such.

McFARLANE.

HOLBROOK.

Read and referred to Committee on Rules.

Simple Resolution No. 27.

Senator McFarlane sent up the following resolution:

Be it Resolved, By the Senate of Texas that Senator Holbrook be added to the Committee on State Penitentiaries.

The resolution was read and adopted.

Simple Resolution No. 28.

Senator Love sent up the following resolution:

I move that the Senator from Dallas be added to the Committee on Privileges and Elections.

The resolution was read and adopted by the following vote:

Yeas—15.

Berkeley.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Neal.	Woodward.
Parrish.	

Nays—9.

Beck.	Martin.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Wirtz.
Hornsby.	

Absent.

Miller.	Patton.
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Absent—Excused.

Cunningham.	Parr.
Moore.	Russek.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 11, 1929
Hon. Barry Miller, President of the
Senate,

Sir: I am directed by the House to
inform the Senate that the House
has passed the following bills:

S. B. No. 1. A bill to be entitled
"An Act to make an appropriation
of the sum of one hundred eighty-
five thousand (\$185,000.00) dollars,
etc., to pay mileage and per diem."

H. C. R. No. 3, Inviting the Sen-
ate to convene with the House in a
joint session at 11:00 o'clock, A. M.
January 11, 1929, for the purpose
of receiving and considering the re-
turns of the election for the Ex-
ecutive officers of the State of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 3.

The Chair laid before the Senate
H. C. R. No. 3, inviting the Senate
to convene with the House in a joint
session at 11:00 o'clock a. m., Janu-
ary 11, 1929, and consider the
returns of the election for the Ex-
ecutive officers of the State of Texas.

The resolution was read and
adopted.

Bill Signed.

The Chair, Lieutenant Governor
Barry Miller, gave notice of signing,
and did sign, in the presence of the
Senate, after its caption had been
read, the following bill:

S. B. No. 1.

Simple Resolution No. 29.

Senator Moore sent up the follow-
ing resolution:

Resolved, That the salary of the
First Assistant Journal Clerk be and
the same is hereby fixed at \$7.50
per day.

Read and adopted.

Joint Session.

At 11:00 o'clock a. m., the Senate
retired to the House for the count-
ing of the votes for Governor and
Lieutenant Governor of the State of
Texas.

Upon roll call the following Sen-
ators answered to their names:

Beck.	Gainer.
Berkeley.	Greer.
DeBerry.	Hardin.

Holbrook.	Pollard.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Woodul.
Parrish.	Woodward.
Patton.	

Absent—Excused.

Cunningham.	Russek.
Parr.	

Committees Report.

Committees appointed to canvass
the vote made the following report:
Austin, Texas, Jan. 11, 1929.

Hon. Barry Miller, President of the
Senate, and Hon. W. S. Barron,
Speaker of the House of Repre-
sentatives.

Sirs: We, your joint committee and
tellers, appointed to canvass the
votes cast at the last General Elec-
tion held in the State of Texas on
November 6, 1928, for Governor and
Lieutenant Governor of the State of
Texas as shown by returns delivered
to us by Secretary of State beg leave
to report that we have performed
that duty, and the result of our can-
vass as follows:

There were cast for Governor:

Dan Moody	582,972 votes
W. H. Holmes	120,504 votes
J. Stedman	109 votes
L. L. Rhodes	738 votes

Scattering and irreg-
ular Votes 2683

There were cast for Lieutenant Gov-
ernor:

Barry Miller	583,614 votes
Mrs. Lena Moore	119,887 votes
J. L. Swan	110 votes
A. F. Van Blon	1530 votes

Scattering and irreg-
ular votes 6375

All of which is respectfully sub-
mitted.

MARTIN,
HARDIN,
GAINER,
MOORE,
HYER,

On the part of the Senate.

NICHOLSON,
MULLALLY,
KINNEAR,
KEMBLE,
YOUNG,

On the part of the House.

The report was read and adopted by the joint session.

The Senate then retired.

After the Joint Session

The Senate reconvened at 2:45 p. m., upon the call of Lieutenant Governor Barry Miller.

Message From the House

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 7. An Act repealing Chapter 71 of the Acts of the Regular Session of the 39th Legislature etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 7.

Adjournment

On motion of Senator Moore, the Senate, at 3:20 o'clock p. m., adjourned until 10:00 o'clock Monday morning.

APPENDIX

Petitions and Memorials

Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Dear Sir: The last annual meeting of this Association, held at Laredo, Texas, May 1 and 2, 1928, was addressed by Hon. Robert L. Bobbitt, then Speaker of the House, Legislature of Texas, on the subject, "The Relationship that Should Exist between Retailer and Legislator." Mr. Bobbitt handled the subject in a frank and forceful manner evoking

the thoughtful consideration and sympathy of our members.

Attention was called to the fact that Texas' greatest business enterprise is GOVERNMENT, and Mr. Bobbitt reminded the gathering that each citizen should treat the business of government much as a good business man would treat his own business.

With respect to remuneration for public servants, we were reminded that the Constitution of Texas adopted in 1876 practically set the scale of remuneration for our executive and legislative branches, and if changed by amendment in the meantime, the scale has not been brought up to meet present day requirements.

With this in view, and notwithstanding that all business men are feeling the burdens of taxation, and are looking for a continued policy of economy in state affairs, a resolution was offered to our meeting, and unanimously carried, in which our Association affirmed its faith in the patriotism of our public officers, and pledged themselves to assume a tolerant, cooperative, and sympathetic attitude, in all matters; no less toward any efforts to bring the remuneration of the State officials and legislators up to those reasonable proportions, as will accord with good business, and with the same foresight and care as would be used in furthering the interests of private business.

I am, therefore, submitting the sentiment expressed in this resolution by our Association, and would ask that if it should be proper that you please have this letter read to the members of the body of which you are the presiding officer, or have it, if possible, on such bulletin boards as will cause its contents to be properly circulated among your members.

Assuring you that our Association is always ready to serve wherever we can assist in any conferences that might involve the necessity for any information on certain subjects which is in our possession, or any time that you feel that we can serve, we are,

Very truly yours,

TEXAS RETAIL DRY GOODS ASSOCIATION, F. E. Morris, Secretary

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Jan. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3:00 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman

Committee Room,
Austin, Texas, Jan. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 7 carefully examined and compared, and find the same correctly enrolled, and have this day, at 3:00 o'clock p. m., presented the same to the Governor for his approval.

MOORE, Vice Chairman

Committee Reports.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same do pass and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 18, A bill to be entitled "An Act to amend Article 2902, Revised Statutes 1925, fixing the scholastic age of pupils in the public free schools by reducing the minimum school age to six years, and repealing all laws and parts of laws in conflict therewith."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.
NEAL, Chairman.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 67, A bill to be entitled "An Act to amend Chapter 40, Acts Fortieth Legislature, First Called Session, relating to the extension of teachers' certificates, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

"S. B. No. 71, An Act to amend Article 2883, and Article 2889A, Revised Statutes 1925, teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to strike out Section 2 and report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 46, A bill to be entitled "An Act creating an independent school district to be known as the Quanah Independent School District, including corporation of the town of Quanah, Hardeman County, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to is-

sue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 81, A bill to be entitled "An Act protecting State banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,
Austin, Texas, Jan. 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act to provide for the extension of the term of Oil and Gas Permits Nos. 11652, 11653, 11655, 11680 and 11681 from a period of two years to a period of five years from their respective dates."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 14, 1929.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was

called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Ilardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Love.	Patton.
Parr.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 133, A bill to be entitled "An Act amending Article 1833 and 1836 of the Revised Civil Statutes of 1925, so as to better provide for the salary of clerks of Courts of Civil Appeals; fixing the compensation of such deputies and stenographers; requiring bond to be executed by such stenographers; providing other regulations relating to said subject; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Berkeley:

S. B. No. 134, A bill to be entitled "An Act amending Article 1738 of Chapter 3, Title 37, of the Revised Civil Statutes of 1925 as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the justices of the court to the place to which